

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN THE MATTER:

GIOVANNI MARIN IRIZARRY
WALESKA OLIVO SANTIAGO
Debtor(s)

FIRSTBANK PUERTO RICO
First Leasing
Movant

CASE NO.: 19-04547 (MCF)

CHAPTER 13

(X) An action against the State
under Title 11 USC §1307(c) (1) and
§1307(c) (6), Title 11 USC §1326

MOTION TO DISMISS

TO THE HONORABLE COURT:

Comes now Movant, **FIRSTBANK PUERTO RICO: First Leasing**, through its undersigning attorney, and very respectfully ALLEGES, STATES and PRAYS:

1. This Honorable Court have jurisdiction under Title 28 USC §1334, and venue under Title 28 USC §1408, and particularly regarding this matter under Title 11 USC §1307(c) (1), (4) and (6), on Conversions and Dismissals, and Title 11 USC §1326, on Payments.

2. Debtor filed a bankruptcy case under chapter 13 back on August 9, 2019. See, Bkcy Dck 1.

3. MOVANT, standing to address this court is ascertained as filed a proof of claim to a personal lease for \$45,047.00 under account no 1611. See, Clm. Reg. 4.

4. As of to April 15, 2020, and still on April 30, 2020, it appears that debtor(s) already have the following installments owed to the chapter 13 Trustee: \$920.00, for FOUR (2) month in arrears. See, Exhibit A.

5. Under the terms of the proposed plan dated August 9, 2019 debtor(s) should have started to make continues payments since September 9, 2019, and as evidenced herein, the debtor(s) have failed to do so. See, Bkcy Dck 1 and 2.

6. Pursuant to the Service Members Civil Relief Act: - the data banks of the Department of the Defense Manpower Data Center confirmed that the debtor(s) is (are) not member(s) of the Uniformed Services (US Armed Forces, Navy, Marine Corps, Air Force, NOAA, Public Health, and Cost Guard.) See, Exhibit B and C.

For the reasons stated above, MOVANT respectfully request from this Court to enter an order dismissing the present case pursuant Title 11 USC §1307(c)(1) on *Unreasonable delay by debtor that is prejudicial to Creditors*, ~~(5) denial of confirmation of a plan under 1325 of this title and denial of a request made for additional time for filing another plan or a modification of a plan~~, 11 USC §1326 (a) (1) *Unless the court orders otherwise, the debtor shall commence making the payments proposed by a plan within 30 days after the plan is filed, payments not later than 30 days after the date of the filing of the plan or the order for relief, whichever is earlier*, and ~~(6) on Material default by the debtor with respect to a term of a confirmed plan~~, and Title 11 USC

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~~§1324 (b) on hearing of confirmation that shall to be held not earlier than 20 days and not later than 45 days after the date of the meeting of creditors under section 341 (a).~~

The aforementioned request of dismissal is based on congressional intent to prevent bankruptcy abuse

NOTICE

Within thirty (30) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this motion has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, this motion will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

Puerto Rico Local Bankruptcy Rule 9013-1(h)

CERTIFICATE OF SERVICE

I hereby certify, that on this the same date a true and correct copy was sent by the CM/ECF Bankruptcy Court System at the authorized address on the docket: - Atty. Alejandro Oliveras Rivera, chapter 13 Trustee// Atty. José Carrión Morales, chapter 13 Trustee; to the attorney for the Debtors JESUS ENRIQUE BATISTA SANCHEZ; to the list of creditors, and by first class to the Debtor(s) at the address on record, GIOVANNI MARIN IRIZARRY & WALESKA OLIVO SANTIAGO, at URB. VILLAS DE SAN AGUSTIN, C 7 SAN AGUSTIN AVE., BAYAMON, PUERTO RICO 00956.

In San Juan, Puerto Rico, the 30th of April 2020

BY: /s/ María M. Benabe Rivera
María M. Benabe Rivera
Attorney for Movant - US - DC 208906
Maricarmen Colón Díaz - US - DC 211410
FIRSTBANK Puerto Rico
Centro de Servicios al Consumidor - Código 248
1130 Muñoz Rivera Ave., Rio Piedras, P R
PO Box 9146, San Juan, PR 00908-0146
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(787)729-8135 / (787)729-8276 /

First Bank

Analysis Sheet to Determine Arrears to Trustee

IN RE : GIOVANNI MARIN IRIZARRY
WALESKA OLIVIO SANTIAGO **Case #** 19-04547 **BKT**

Date petition filed: 9-Aug-19

First payment due date : 8-Sep-19

According to Plan Dated on: 30-Jan-20

Monthly Payment of : \$ 230.00 \$ - \$ - \$ - \$ -

Term : 60 0 0 0 0

Pass Term: 8 0 0 0 0

Should Have Paid In: \$ 1,840.00 \$ - \$ - \$ - \$ -

Total Paid Into Plan: \$ 920.00 \$ - \$ - \$ - \$ -

Amount in Arrears: \$ 920.00 \$ - \$ - \$ - \$ -
\$ -

Next payment date: 8-May-20 (4 ATRASOS)

Refer for MTD on : REFER

Printed On : 15-Apr-20

Prepared by : IRA

Note :

Machuet A

PRINT INQUIRY

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19-04547-BKT

GIOVANNI MARIN IRIZARRY

\$230.00 MO

Bar Date(s): 10/18/2019 (has passed) 2/5/2020 (has passed)

WALESKA OLIVO SANTIAGO

Confirmed: Not Confirmed

Trustee: ALEJANDRO OLIVERAS RIVERA

Attorney: JESUS ENRIQUE BATISTA SANCHEZ *

Case Status: ACTIVE

Debtor Pay Schedules

Start Date	Number Periods	Amount	How Often	Who's Paying	Order Date	Action
9/8/2019	60.00	\$230.00	MONTHLY	GIOVANNI MARIN IRIZARRY	8/13/2019	
9/8/2024	end of plan	\$0.00	MONTHLY	GIOVANNI MARIN IRIZARRY	8/13/2019	

Forgive Information

Date	Amount	Description
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Payments Expected for Step 1:

Period	Start Date	End Date	Payment Amount Expected	Total
1	9/8/2019	10/7/2019	\$230.00	\$230.00
2	10/8/2019	11/7/2019	\$230.00	\$460.00
3	11/8/2019	12/7/2019	\$230.00	\$690.00
4	12/8/2019	1/7/2020	\$230.00	\$920.00
5	1/8/2020	2/7/2020	\$230.00	\$1,150.00
6	2/8/2020	3/7/2020	\$230.00	\$1,380.00
7	3/8/2020	4/7/2020	\$230.00	\$1,610.00
8	4/8/2020	5/7/2020	\$230.00	\$1,840.00
9	5/8/2020	6/7/2020	\$230.00	\$2,070.00
10	6/8/2020	7/7/2020	\$230.00	\$2,300.00
11	7/8/2020	8/7/2020	\$230.00	\$2,530.00
12	8/8/2020	9/7/2020	\$230.00	\$2,760.00
13	9/8/2020	10/7/2020	\$230.00	\$2,990.00
14	10/8/2020	11/7/2020	\$230.00	\$3,220.00
15	11/8/2020	12/7/2020	\$230.00	\$3,450.00
16	12/8/2020	1/7/2021	\$230.00	\$3,680.00
17	1/8/2021	2/7/2021	\$230.00	\$3,910.00
18	2/8/2021	3/7/2021	\$230.00	\$4,140.00
19	3/8/2021	4/7/2021	\$230.00	\$4,370.00
20	4/8/2021	5/7/2021	\$230.00	\$4,600.00
21	5/8/2021	6/7/2021	\$230.00	\$4,830.00
22	6/8/2021	7/7/2021	\$230.00	\$5,060.00
23	7/8/2021	8/7/2021	\$230.00	\$5,290.00
24	8/8/2021	9/7/2021	\$230.00	\$5,520.00
25	9/8/2021	10/7/2021	\$230.00	\$5,750.00
26	10/8/2021	11/7/2021	\$230.00	\$5,980.00
27	11/8/2021	12/7/2021	\$230.00	\$6,210.00
28	12/8/2021	1/7/2022	\$230.00	\$6,440.00
29	1/8/2022	2/7/2022	\$230.00	\$6,670.00
30	2/8/2022	3/7/2022	\$230.00	\$6,900.00
31	3/8/2022	4/7/2022	\$230.00	\$7,130.00
Total				\$7,130.00

Payments Expected for Step 2:

Period	Start Date	End Date	Payment Amount Expected	Total
1	9/8/2024	10/7/2024	\$0.00	\$0.00
Total				\$0.00

Breakdown for Combined Schedules

Period	Date (Month/Year)	Payment Due	Payment Received	Forgive Amount	Amount Due
1	9/2019	\$230.00	\$230.00		\$0.00
2	10/2019	\$230.00	\$460.00		(\$230.00)
3	11/2019	\$230.00	\$230.00		(\$230.00)
4	12/2019	\$230.00			\$0.00
5	1/2020	\$230.00			\$230.00
6	2/2020	\$230.00			\$460.00
7	3/2020	\$230.00			\$690.00
8	4/2020	\$230.00			\$920.00

Total Delinquent Amount: \$920.00



Department of Defense Manpower Data Center

Results as of : Apr-29-2020 04:40:44 PM

SCRA 5.4



Status Report Pursuant to Servicemembers Civil Relief Act

SSN: XXX-XX-3849
Birth Date: Sep-XX-1970
Last Name: OLIVO SANTIAGO
First Name: WALESKA
Middle Name: NULL
Status As Of: Apr-29-2020
Certificate ID: 9269665CC4SFL84

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Michael V. Sorrento

Michael V. Sorrento, Director
Department of Defense - Manpower Data Center
400 Gigling Rd.
Seaside, CA 93955

Michael B



**Status Report
Pursuant to Servicemembers Civil Relief Act**

SSN: XXX-XX-0979
 Birth Date: Aug-XX-1976
 Last Name: MARIN IRIZARRY
 First Name: GIOCANNI
 Middle Name: NULL
 Status As Of: Apr-29-2020
 Certificate ID: J3CRVLH1RDRXN49

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Michael V. Sorrento

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Label Matrix for local noticing
0104-3
Case 19-04547-BKT13
District of Puerto Rico
Old San Juan
Thu Apr 16 10:02:40 AST 2020

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